

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Jose Luis Agapito et al.,

Plaintiffs,

-against-

Amir Ram Bagels, Inc. d/b/a Tal Bagels et al.,

Defendants.

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>12/27/2022</u>

1:18-cv-08079 (SDA)

ORDER

**STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:**

This case contains claims under the Fair Labor Standards Act. On November 3, 2022, the parties advised the Court that they had reached a settlement on all issues. (Joint Letter Mot., ECF No. 139.) On December 21, 2022, the parties filed a joint letter, along with their proposed settlement agreement and related papers, requesting approval of the settlement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (Joint Letter, ECF No. 145.) On December 22, 2022, an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (Notice, ECF No. 146.)

Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiffs' claims as well as the risks and expenses involved in additional litigation. *See Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

In addition, Plaintiffs seek approval of \$1,978.86 in costs and \$68,000.24 in attorneys' fees, slightly less than one-third of the total settlement amount, for a total of \$69,979.10 in attorneys' fees and costs. (See Joint Letter at 5; Settlement Agmt., ECF No. 145-1, at 2; see also Billing Statement, ECF No. 145-2 (showing lodestar of \$134,160.00).) Courts in this Circuit typically approve attorneys' fees in the amount of one-third of the total recovery. *See, e.g.*,

*Ramos v. DNC Food Serv. Corp.*, No. 19-CV-02967 (VSB), 2022 WL 576300, at \*2 (S.D.N.Y. Feb. 25, 2022) (citing cases). Accordingly, the Court finds that the requested attorney's fees are fair and reasonable. In reaching this conclusion, the Court makes no findings with respect to the reasonableness of counsels' hourly rates.

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement. The Clerk of Court is respectfully requested to close this case.

**SO ORDERED.**

Dated:           New York, New York  
December 27, 2022

*Stewart D. Aaron*

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STEWART D. AARON  
United States Magistrate Judge